BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

SCOTT YANCEY)	
Claimant)	
VS.)	
)	Docket No. 214,629
SUBURBAN PROPANE)	
Respondent)	
AND)	
CIGNA WORKERS COMPENSATION)	
Insurance Carrier)	

OR<u>DER</u>

Claimant appeals from a preliminary hearing order entered by Administrative Law Judge Robert H. Foerschler dated November 22, 1996.

Issues

In his Application for Review, claimant states that the issue is as follows:

Whether the Administrative Law Judge exceeded his jurisdiction in denying claimant an MRI despite the recommendations of the treating physician.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board finds that the issue raised by claimant on appeal is not one subject to review at this point in the proceedings. K.S.A. 44-551 limits the jurisdiction of the Appeals Board to those appeals which allege an Administrative Law Judge has exceeded his jurisdiction. Although

claimant states that this is a jurisdictional issue, it is not one listed in K.S.A. 44-534a and does not otherwise state a challenge to the jurisdiction of the Administrative Law Judge. The appeal is one which argues that the Administrative Law Judge has erred in determining which medical benefits should be provided. So long as the claim involves an accidental injury arising out of the course of employment and so long as notice and timely written claim are made, the Administrative Law Judge has the jurisdiction to make that determination.

WHEREFORE, the Appeals Board finds that the appeal should be dismissed and the order entered by Administrative Law Judge Robert H. Foerschler dated November 22, 1996, should remain in effect as originally entered.

BOARD MEMBER

Dated this ____ day of February, 1997.

C: J. Paul Maurin, Kansas City, KS Gary R. Terrill, Overland Park, KS Robert H. Foerschler, Administrative Law Judge Philip S . Harness, Director